

ESTTA Tracking number: **ESTTA783228**

Filing date: **11/16/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	BBH Partners LLP
Granted to Date of previous extension	11/16/2016
Address	60 Kingly Street, Soho London, W1B5DS UNITED KINGDOM
Attorney information	John C. Cain Fleckman & McGlynn, PLLC 8945 Long Point Rd., Suite 120 Houston, TX 77055 UNITED STATES trademarks@fleckman.com, cain@fleckman.com, jordan@fleckman.com

Applicant Information

Application No	86864663	Publication date	07/19/2016
Opposition Filing Date	11/16/2016	Opposition Period Ends	11/16/2016
Applicant	Studio Glam LLC 665 Fifth Avenue New York, NY 10022 UNITED STATES		

Goods/Services Affected by Opposition

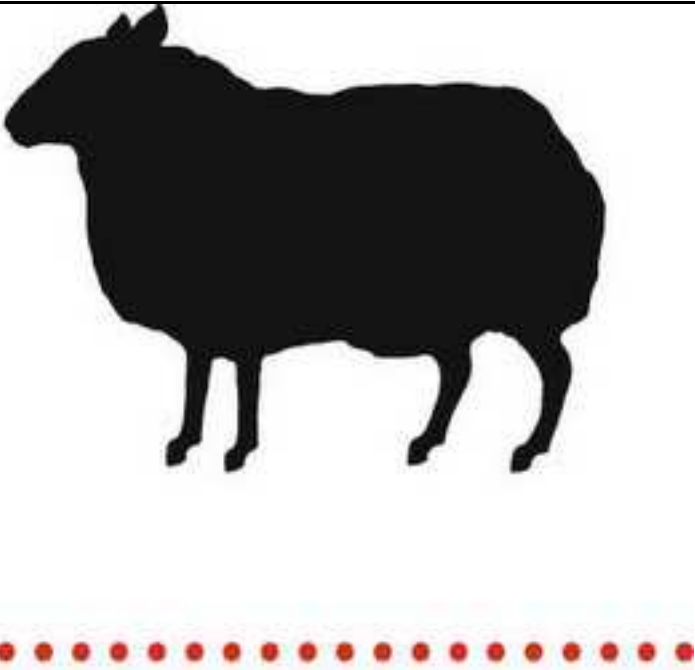
Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Entertainment services in the nature of development, creation, production and post-production services of multimedia entertainment content

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3866221	Application Date	01/23/2007
Registration Date	10/26/2010	Foreign Priority Date	01/18/2007
Word Mark	NONE		

<p>Design Mark</p>	
<p>Description of Mark</p>	<p>The color black appears in the depiction of a sheep. The color red appears in the dots underneath the depiction of a sheep.</p>
<p>Goods/Services</p>	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Downloadable electronic publications in the nature of books, magazines, manuals, brochures, fliers, newsletters, online journals, namely, weblogs in the fields of advertising, public relations, marketing and market research, advertising sales, and sales promotion; video discs, audio discs, cassettes, DVDs, and CD ROMs- featuring music, advertisements, computer games and motion picture films in the fields of advertising, public relations, marketing, branding, market research and advertising industry awards; digital audio tapes featuring music and spoken word in the fields of advertising, public relations, marketing, branding, market research and advertising industry awards; digital audio recordings stored in digital or analogue form in the field of advertising, public relations, marketing, branding, market research and advertising industry awards; motion picture films about advertising, public relations, marketing, branding, market research and advertising industry awards; audio and visual recordings featuring advertisements for others; pre-recorded magnetic data carriers featuring examples of proposed advertising, public relations and marketing campaigns; blank magnetic data carriers; magnetic data carriers featuring pre-recorded sounds, images, films and interactive programs in the field of advertising, public relations, marketing and market research, advertising sales, and sales promotion; apparatus and media for storage of sounds and images, namely, dongles; magnetically encoded cards carrying files and images relating to advertising, public relations and marketing; computer games software; video or digital recordings of television programs used for advertising, public relations and marketing purposes</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0 Printed matter, namely, books, magazines, manuals, brochures, fliers, newsletters, posters, coasters, periodicals and catalogues in the field of advertising, public relations, marketing and market research, advertising sales, and sales promotion; stationery; calendars; diaries; printed graphs; printed advertising story boards of paper or cardboard; posters; pictures; printed instructional and teaching materials in the field of advertising, public relations, marketing and market research, advertising sales, and sales promotion</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Advertising and promotional services; marketing services; public relations ser-</p>

	vices; sales promotion services; market research; production of television, radio and Internet commercials; advertising agencies, namely, planning, buying and negotiating advertising space for others; commercial information agency services; economic forecasting; business enquiry and investigations; conducting marketing studies; public opinion polling; publication of publicity texts; providing radio and television advertising for others; organization of exhibitions for commercial or advertising purposes; information and advisory services all related to the aforesaid services
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Attachments	77088803#TMSN.png(bytes) Studio Glam Notice of Opposition 11-16-2016.pdf(226133 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/John C. Cain/
Name	John C. Cain
Date	11/16/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application
Serial No. 86/864,663

Published in the Official Gazette
on July 19, 2016

BBH Partners LLP,

Opposer,

v.

Studio Glam LLC

Applicant.

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Opposition No. _____

Mark: **STUDIOGLAM and Sheep Design**

NOTICE OF OPPOSITION

BOX TTAB

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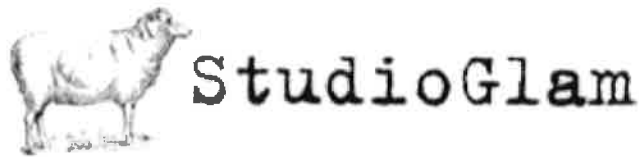
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Madam:

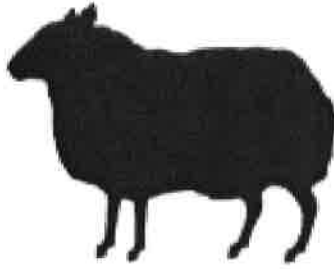
BBH Partners LLP (“BBH” or “Opposer”), a United Kingdom Limited Partnership, having an address of 60 Kingly Street, Soho London, W1B5DS, United Kingdom, believes that it will be damaged by the registration by Studio Glam LLC (“Applicant”) of the **STUDIOGLAM and Sheep Design** mark shown in Application Serial No. 86/864,663 in International Class 41 and hereby opposes the same.

As grounds of opposition, it is alleged that:

1. Applicant seeks to register the **STUDIOGLAM and Sheep Design** mark, depicted below, as a mark for “Entertainment services in the nature of development, creation, production and post-production services of multimedia entertainment content” in International Class 41. Applicant’s mark does not claim color as a feature of the mark.



2. Applicant’s application to register the **STUDIOGLAM and Sheep Design** mark for such services was filed on an intent-to-use basis. The application was published for opposition on July 19, 2016. On August 8, 2016, Opposer was granted an extension of time to oppose the application through September 17, 2016. On September 16, 2016, Opposer was granted a further extension of time to oppose the application through November 16, 2017. Accordingly, the present Notice of Opposition is timely filed.
3. Opposer is the owner of U.S. Registration No. 3,866,221 for the **Black Sheep & Red Dots Logo Design** shown below in which the colors black and red are claimed as features of the mark.



The registration issued on October 26, 2010 based on an application filed on January 23, 2007. Opposer's registration was filed under Section 44(d) based on European Community Registration No. 5625892, which was filed on January 18, 2007. Further, Opposer's use of the **Black Sheep Logo Design** mark, namely, the image of a single black sheep in profile, long predates its use and registration of the composite mark shown above.

4. Opposer's registration covers "Downloadable electronic publications in the nature of books, magazines, manuals, brochures, fliers, newsletters, online journals, namely, weblogs in the fields of advertising, public relations, marketing and market research, advertising sales, and sales promotion; video discs, audio discs, cassettes, DVDs, and CD ROMs featuring music, advertisements, computer games and motion picture films in the fields of advertising, public relations, marketing, branding, market research and advertising industry awards; digital audio tapes featuring music and spoken word in the fields of advertising, public relations, marketing, branding, market research and advertising industry awards; digital audio recordings stored in digital or analogue form in the field of advertising, public relations, marketing, branding, market research and advertising industry awards; motion picture films about advertising, public relations,

marketing, branding, market research and advertising industry awards; audio and visual recordings featuring advertisements for others; pre-recorded magnetic data carriers featuring examples of proposed advertising, public relations and marketing campaigns; blank magnetic data carriers; magnetic data carriers featuring pre-recorded sounds, images, films and interactive programs in the field of advertising, public relations, marketing and market research, advertising sales, and sales promotion; apparatus and media for storage of sounds and images, namely, dongles; magnetically encoded cards carrying files and images relating to advertising, public relations and marketing; computer games software; video or digital recordings of television programs used for advertising, public relations and marketing purposes” in International Class 9; “Printed matter, namely, books, magazines, manuals, brochures, fliers, newsletters, posters, coasters, periodicals and catalogues in the field of advertising, public relations, marketing and market research, advertising sales, and sales promotion; stationery; calendars; diaries; printed graphs; printed advertising story boards of paper or cardboard; posters; pictures; printed instructional and teaching materials in the field of advertising, public relations, marketing and market research, advertising sales, and sales promotion” in International Class 16; and, “Advertising and promotional services; marketing services; public relations services; sales promotion services; market research; production of television, radio and Internet commercials; advertising agencies, namely, planning, buying and negotiating advertising space for others; commercial information agency services; economic forecasting; business enquiry and investigations; conducting marketing studies; public opinion polling; publication of publicity texts; providing radio and television advertising for others; organization of exhibitions for commercial or advertising

purposes; information and advisory services all related to the aforesaid services” in International Class 35.

5. Opposer has used variations of its **Black Sheep Logo Design** mark for more than fifteen years in the United States in connection with its offering of various marketing, advertising, PR, design, digital content development, and production and post-production services, as well as entertainment development services in partnership with third parties. Opposer’s current use of the **Black Sheep Logo Design** and its registered **Black Sheep & Red Dots Logo Design** may be found at its U.S.-facing websites located at www.bartleboglehegarty.com/newyork/ and www.bartleboglehegarty.com/losangeles/.
6. There is no issue as to priority. Opposer’s registration and its use of its design marks in the United States in connection with a variety of goods and services, including the development, creation, production and post-production of digital content and other entertainment content, long pre-date Applicant’s filing date of January 4, 2016.
7. Applicant’s **STUDIOGLAM and Sheep Design** mark, when used in connection with the services described in the application, so resembles Opposer’s **Black Sheep Logo Design** and **Black Sheep & Red Dots Logo Design** marks, as to be likely to cause confusion, mistake, or deception, and as to be likely to dilute the distinctive quality of Opposer’s marks.
8. If Applicant is granted the registration herein opposed, it would thereby obtain at least a prima facie exclusive right to the use of its mark for the services described in its application. Such registration would be a source of damage and injury to Opposer.

Wherefore, Opposer prays that this Opposition be sustained and that the mark of Application Serial No. 86/864,663 be refused registration.


If the requisite filing fee associated with filing the present Notice of Opposition is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. § 2.6 be required for any reason relating to the present Notice of Opposition, or should an overpayment be included herein, the Commissioner for Trademarks is authorized to deduct or credit said fees from or to Fleckman & McGlynn's Deposit Account No. 506142/5523-050.

Please direct all communications concerning the referenced opposition proceeding to the following:

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Dated: November 16, 2016

Respectfully submitted,

By: 
John C. Cain
Attorney for Opposer
BBH Partners, LLP

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